

**In The United States Bankruptcy Court  
For The Southern District of Texas  
Galveston Division**

In Re: Steven Lane Jenkins  
Debtor(s)

Case No: 10-80470-G3-13

**TRUSTEE'S MOTION TO DISMISS OR CONVERT TO A CHAPTER 7**

**THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.** If a response is filed, a hearing on this motion will be held at 10:45 am on Friday, November 5, 2010 on the 6th Floor of the Federal Building, 601 Rosenberg Street, Galveston, TX.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

COMES NOW, William E. Heitkamp, Chapter 13 Trustee filing this MOTION TO DISMISS, and would show the Court that the above-referenced case should be dismissed for the following:

1. The plan does not meet the requirements of 11 U.S.C. Sec. 1325(b) (the disposable income test).
2. The debtor has failed to file or provide all of the information required under 11 U.S.C. Sec. 521(a),(b),(e),(f) and (h), and BLR 1017(a)(4) Specifically, the debtor has failed to file or provide the following:
  - The Debtor must provide a complete copy of the 2009 tax return.
3. Form 22C #47a is inaccurate and must be amended.

Wherefore, the Trustee prays that the case be dismissed, or converted to Chapter 7, whichever shall be determined to be in the creditors' best interest.

RESPECTFULLY SUBMITTED,

/s/ William E. Heitkamp

WILLIAM E. HEITKAMP, TRUSTEE  
ADMISSIONS ID NO. 3857

**ADDRESS FOR CORRESPONDENCE ONLY:**

9821 KATY FREEWAY, SUITE 590  
HOUSTON, TX 77024  
(713) 722-1200 TELEPHONE  
(713) 722-1211 FACSIMILE

**ADDRESS FOR PAYMENTS ONLY:**

P.O. BOX 740  
MEMPHIS, TN 38101-0740

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was sent to all parties listed on the matrix on file with the U.S. Bankruptcy Clerk's Office on or about the time this document was electronically filed with the Clerk on 10/5/2010. A copy of the Certificate of Mailing of this document is on file and may be viewed at the U.S. Bankruptcy Clerk's Office.

Electronically signed by

/s/ William E. Heitkamp

William E. Heitkamp, Chapter 13 Trustee